

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

Docket No.: 04-10862 GAO

JOSEPH E. MCCAIN,
PLAINTIFF,

VS.

THE CITY OF NEWBURYPORT,
THOMAS H. HOWARD, INDIVIDUALLY AND AS
CITY MARSHALL FOR THE CITY OF NEWBURYPORT,
BRIAN BRUNAULT AND NEXTEL COMMUNICATIONS OF
THE MID ATLANTIC, INC.,
DEFENDANTS.

**MOTION TO EXTEND TIME TO FILE AN ANSWER
TO PLAINTIFF'S COMPLAINT**

Now come the Defendants in the above-referenced matter and move for an extension to file an Answer in the above-referenced matter. In support thereof, the Defendants state that the Plaintiff has assented to a 45-day extension.

Respectfully Submitted,
The Defendants,
By their Attorneys,

/s/ Jeremy I. Silverfine
Jeremy I. Silverfine, BBO#542779
Leonard Kesten, BBO #542042
Brody, Hardoon, Perkins & Kesten, LLP
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Date: August 11, 2004

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of this document was served by first class mail on Matthew Perkins, Esq., LeComte, Emanuelson & Doyle, President's Place, 1250 Hancock St., Quincy, MA 02169 this 11th day of August, 2004.

/s/ Jeremy I. Silverfine
Jeremy I. Silverfine